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08/579,739

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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005514 LM02/0914  
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EXAMINER

VU, N

ART UNIT

PAPER NUMBER

2712  
DATE MAILED:

16  
09/14/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/579,739

Applicant(s)

SAKAEGI

Examiner

N. Vu

Group Art Unit

2712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 6-24-99
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☐ Claim(s) 1-11 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-11 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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***Continued Prosecution Application***

1. The request filed on 6/24/99 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/579,739 is acceptable and a CPA has been established. An action on the CPA follows.

***Response to Amendment***

2. The amendments, filed on 5/15/99, have been entered and made of records.

***Response to Arguments***

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., discriminating means detects the voltage level of the signal line in claim 1 or the data line in claim 7, discriminating means is powered by the personal computer via the same signal line or data line) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. Claim 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicks (US #5,594,672).

As to claims 1-2, Hicks discloses a system that includes a power saving feature. As seen in figure 1, the system includes a peripheral apparatus (power saver 17), a predetermined circuit (printer 2), and a personal computer (1). As can be seen in figure 1 and described in the corresponding parts of the specification, the power saver detects the voltage level of a signal line (13) connected to the computer (13). Based on this determination, power is supplied to the printer (2) via power cord (3). Hicks further teaches discriminating means (microprocessor 39/49 and button 35) for discriminating whether or not a communication request of a predetermined procedure has been received from the personal computer (1) after the electric power of the power source was supplied to the printer (2) by said power saver (17) (col. 1, line 60 to col. 2 line 27; col. 3 line 38 to col. 5 line 65), wherein said microprocessor 39/49 detects the voltage level of the signal line connected to the personal computer (col. 5 lines 49-65); and control means (39/49) for continuing the supply of the electric power from the power saver (17) once said discriminating means discriminates a presence of the communication request (col. 1 lines 60+, and in col. 4 lines 35+.) Claim 1 differs from Hicks in that the claim further requires that said discriminating means is powered by the personal computer (1) via the signal line. However, Hicks does show that the peripheral apparatus (17) has its own power cord (4). Official Notice is taken that electronic apparatus such as the personal computer (1) show in Hicks has its own power source which could be either a power cord or a battery. Therefore, it would have been obvious to have the power

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source from the computer (1) power the discriminating means of the peripheral device (17) so that the peripheral device (17) need not be tethered to a wall outlet.

Regarding claim 3, Hicks shows in figure 1, the power supply cord (3) and the data signal line (13) are separate.

Regarding claim 6, Hicks shows that the peripheral apparatus has its own power cord (4). Official Notice is taken that the personal computer has its own power source which could be either a power cord or a battery. It would have been obvious to have the power source from the computer power the detecting means of the peripheral device so that the peripheral device need not be tethered to a wall outlet.

6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicks (US #5,594,672) in view of Parulski et al (US #5,475,441).

As to claims 4-5, Hicks specifically shows in figure 1 that the peripheral apparatus can be a printer (2). As discussed in col. 1 lines 25+ and col. 5 line 1+, peripheral devices other than printers can also be used with computers. Throughout the specification, Hicks uses the generic term "peripheral device" implying that any known type of peripheral device could be used with the power-saving system, not only a printer.

Parulski discloses that it is known in the art to also use a camera as a peripheral device to a personal computer (col. 1, lines 10+.) This allows a user to download images to the computer from the camera which allows greater processing capabilities as well as the opportunity to store a

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large number of images (col. 5 line 21 to col. 7 line 20.) Since Hicks specifically discloses that computers may be used with different types of peripheral devices, and Parulski discloses that it is advantageous to use cameras along with computers, it would have been obvious to one of ordinary skill in the art to use a camera as the peripheral device in the power saving system disclosed by Hicks.

7. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicks (US #5,594,672) in view of Aoki (US #5,438,359).

Regarding claim 7, it is considered essentially similar to the combination of claims 1 and 4 which were discussed above. See the above description of how Hicks applies to the limitations. Likewise, Hicks further teaches that the supply of electric power to peripheral device (2) is stopped in the case that the predetermined command is not discriminated by said discriminating means (col. 1, lines 60+).

Similar to Parulski discussed above, Aoki discloses that a camera may be used as a peripheral device which may be connected to a computer (col. 1 line 8 to col. 2 line 30.) For the same reasons discussed above, it would have been obvious to use a camera as the peripheral device in the power-saving system disclosed by Hicks. Aoki is used instead of Parulski in these claims because Aoki specifically states that the camera may be used as a stand-alone device while not connected to the computer (col. 1 line 45+.) As shown in figure 3, Aoki show a camera including a recording means (3) and a buffer (115).

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Regarding claims 8-9, they are considered substantively equivalent to claims 2-3 which were discussed above.

Regarding claim 10, Hicks, as modified by Aoki, discloses that the recording means has a buffer (32) for storing the photographed image information (Aoki, Figs. 3-5).

Regarding claim 11, it is considered substantively equivalent to claims 6 which was discussed above.

***Conclusion***

**8. Any response to this final action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

(703) 308-5359, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,  
Sixth Floor (Receptionist).

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **N. Vu** whose telephone number is (703) 305-4946. The examiner can normally be reached on Mon - Fri from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

  
NYV  
9/10/99

  
**TOMMY P. CHIN**  
**SUPERVISORY PATENT EXAMINER**  
**GROUP 2700**